IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4539 OF 2006

Yusuf Ahmed Baig & Ors. ....Petitioners
V/s.
Mominpada Masjid Yakub Baig Trust .
through It's Chief Trustee & Ors. ....Respondents

Mr.H.A. Solkar for the Petitioners.

Mr.Rajiv Patil for Respondent No.1.

Mr.A.H. Palekar, AGP for the State - Respondent No.2.

CORAM : R.M. SAVANT, J.
DATED : 12TH JUNE, 2007.

P.C. :

1. This Petition impugns the order dated 21.10.2004, passed by the learned District Judge, Raigad in Exhibit 10 in Civil Misc. Application No.92 of 2004. By the said order, the amendment application for effecting change in the name of the trust from Mominpada Masjid Yakub Baig Trust to Yakub Baig Trust has been allowed. Resultantly, the name of the trust in the scheme is also changed. The learned District Judge after taking into consideration the scheme of the trust allowed the said amendment.

2. I do not find any infirmity or illegality

committed by the trial Court in passing the said order. It is vehemently sought to be urged on behalf of the Petitioner that the entire attempt appears to keep the trust out of the clutches of the Wakf Act. The Petitioner alleged various illegalities against the Respondents. It was submitted on behalf of the Respondents that a Petition filed by the Petitioner abovenamed is pending in this Court wherein he has sought declaration that Respondent No.1 is Wakf. In my view, change in name would not conclude the dispute as to whether the Respondent trust is Wakf or a public trust under the Bombay Public Trust Act, 1950. The parties would be entitled to assert their respective positions.

3. In that view of the matter, there is no reason to interfere with the impugned order by this Court under its extraordinary jurisdiction under Article 227 of the Constitution of India.

4. The Petition is accordingly dismissed. Mr.Solkar to replace pages 75 and 76 in the paper book.

(R.M. SAVANT, J.)